



**Australian
Competition &
Consumer
Commission**

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Our Ref: A91103
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11 November 2008

«Address»

This letter was sent
to the attached list
of interested parties
11/11/08 KL

Dear «Salutation»

**Application for authorisation (A91103) for collective negotiations by owner
drivers with earthmoving contractors in South East QLD**

I refer to the application for authorisation lodged with the Australian Competition and Consumer Commission (the ACCC) on 6 October 2008 by the CFMEU.

The purpose of this letter is to respond to issues raised by a number of interested parties in relation to the validity of the application for authorisation.

The ACCC considers the application for authorisation by the CFMEU has been validly lodged. The CFMEU's application has been made under both the *Trade Practices Act 1974* (Cth) (the Act) and the *Queensland Competition Code* (the Code). The Code contains direct equivalents of Parts IV and VII (including the authorisation provisions) of the Act. The Code applies to individuals in Queensland, including trade unions and applications for authorisation under the Code can be made by individuals, including trade unions.


By way of further clarification, the CFMEU's application is for authorisation and is not a collective bargaining notification. Accordingly, s 93AB(9) of the Act which restricts a trade union from lodging a collective bargaining notification, does not apply in this instance.

The ACCC will continue to progress its assessment of the application in a timely manner. In light of the information provided in this letter, if you wish to provide any further comments about the likely public benefits and public detriments from the proposed arrangement please contact Sharon Clancy or Kristy Randall using the contact details below as soon as possible.

Please note that once the ACCC releases its draft determination there will be a further opportunity to provide submissions and/or request that the ACCC hold a pre-decision conference.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter please contact Sharon Clancy on (02) 6243 1217 (or at sharon.clancy@acc.gov.au) or Kristy Randall on (02) 6243 1061 (or at kristy.randall@acc.gov.au).

Yours sincerely


for Dr Richard Chadwick
General Manager
Adjudication Branch

APPLICATION FOR AUTHORISATION A91103 FROM THE CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION

INTERESTED PARTIES – LETTER REGARDING VALIDITY OF APPLICATION

In addition to the interested parties listed below, the ACCC also informed the 24 current owner driver members of the CFMEU of the ACCC's position on the validity of the application.

No	Organisation
1.	Timms Haulage Pty Ltd
2.	Byrne Earthmoving
3.	APA Tippers Pty Ltd
4.	Rockin Haulage Pty Ltd
5.	Lantrek
6.	Coastal Tipper Hire Pty Ltd
7.	Coast 2 Coast Earthmoving Pty Ltd
8.	D&M Plant Hire
9.	Bulk Granite Haulage
10.	Thiess Pty Ltd
11.	Boral Transport
12.	Tims Holdings Group Pty Ltd
13.	Queensland Master Builders Association
14.	Demolishers, Recyclers and Asbestos Contractors Association QLD
15.	Queensland Major Contractors Association
16.	Commerce Queensland
17.	Queensland Trucking Association
18.	Australian Government Workplace Ombudsman
19.	Australian Government Office of the Australian Building and Construction Commissioner
20.	Australian Government Department of Innovation, Industry, Science and Research
21.	Queensland Government Department of Tourism, Regional Development and Industry
22.	Owner Drivers Australia
23.	Civil Contractors Federation (Queensland)
24.	Australian Industry Group
25.	Australian Construction Industry Forum